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| In re Application of | : | |
| LEE, et al. | : | |
| U.S. Application No.: 10/070,119 | : | DECISION ON RENEWED |
| PCT No.: PCT/US00/23805 | : | |
| Int. Filing Date: 30 August 2000 | : | REQUEST UNDER |
| Priority Date: 30 August 1999 | : | |
| Atty Docket No.: WSR-24-PCT-US | : | 37 CFR 1.42 |
| For: NANOCHAIN OF BUNDLED CARBON | : | |
| MOLECULES USEFUL FOR | : | |
| HYDROGEN STORAGE | : | |

This is a decision on applicant's "Renewed Petition Under 37 CFR 1.42" filed in United States Patent and Trademark Office (USPTO) on 19 May 2003.

BACKGROUND

On 31 March 2003, applicant was mailed a communication vacating the previously mailed "Notification of Acceptance" (Form PCT/DO/EO/903) and informing applicant of the need to file a newly executed oath or declaration of the inventors as the previously filed declaration was not in compliance with 37 CFR 1.497(a)-(b). Applicant was afforded two months to file a proper response.

On 19 May 2003, applicant filed the present renewed request under 37 CFR 1.42 accompanied by a declaration executed by Younghi Lee as sole heir to the estate of the deceased joint inventor Myung W. Lee.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 19 May 2003 is executed by Younghi Lee as sole heir to the estate of the deceased joint inventor Myung W. Lee and provides the heir's residence, post office address and country of citizenship. In addition, the declaration provides the residence, post office address

and country of citizenship of the deceased co-inventor. The declaration also states that no legal representative has been appointed. This statement is being interpreted to mean that in addition to a legal representative not having been appointed, no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect applicant is required to promptly notify the USPTO of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into national stage under 35 U.S.C. 371(c) were completed as of 19 May 2003.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 30 August 2000 and a date of **19 May 2003** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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